



IFW/1646  
P  
Dkt. 0575/48557-A/JPW/AJM/JCS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Catherine Dulac and Richard Axel  
U.S. Serial No.: 09/898,416 Group Art Unit: 1646  
Filed : July 3, 2001 Examiner: Michael Pak  
For : CLONING OF VETEBRATE PHEROMONE RECEPTORS AND  
USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036  
October 19, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED  
ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. §1.181(a)

This Petition is submitted to withdraw a holding of abandonment issued in connection with the above identified application under 37 C.F.R. §1.181(a).

Applicants received an October 6, 2004 Notice of Abandonment, a copy of which is attached hereto as **Exhibit 1**. The October 6, 2004 Notice of Abandonment stated that the above-identified application has been abandoned because applicants had failed to timely file a proper reply to the Office letter issued November 19, 2003 in connection with the above-identified application.

Applicants first became aware that an Office Action had been issued November 19, 2003 upon their receipt of the October 6, 2004 Notice of Abandonment.

Applicants: Catherine Dulac and Richard Axel  
Serial No.: 09/898,416  
Filed: July 3, 2001  
Page 2

According to the M.P.E.P. §711.03(c)(II) under *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971) "an allegation that an Office action was never received may be considered in a petition to withdraw a holding of abandonment."

**Statement of Non-Receipt of Office Communication**

The undersigned hereby states that applicants did not receive the November 19, 2003 Office Action in connection with the above-identified application and attests to the fact that a search of the file jacket and docket record indicates that the Office communication was never received.

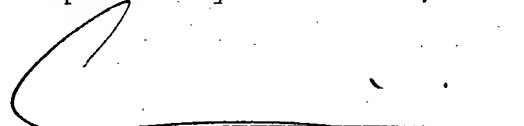
A copy of the docket record where the non-received Office Action would have been entered had it been received and docketed is attached hereto as **Exhibit 2**.

In light of the above, applicants hereby request that the Holding of Abandonment of the above-identified application be withdrawn based upon failure to receive Office Action.

Applicants: Catherine Dulac and Richard Axel  
Serial No.: 09/898,416  
Filed: July 3, 2001  
Page 3

No fee is deemed necessary in connection with the filing of this Petition. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Alan J. Morrison  
Registration No. 37,399

Date

10/19/07



**Notice of Abandonment**

Application No.

09/898,416

Examiner

Michael Pak

Applicant(s)

DULAC ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

OCT - 8 2004

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 19 November 2003.

(a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

(b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

*Petition to Re-examine - 12-6-2004*

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

*Michael D. Pak*  
MICHAEL PAK  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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OCT 22 2004

APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,416	07/03/2001	Catherine Dulac	0575/48557-A/JPW/ADM	1905

7590

10/06/2004

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

PAK, MICHAEL D

ART UNIT

PAPER NUMBER

1646

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OCT 22 2004

10/12/2004

## Patent Information Print

Docket No 46857-A  
 Country United States  
 Case Type REGULAR CASE TYPE  
 Relation Type ORIGINAL OR PATENT CASE  
 Filing Type NATIONAL CASE  
 Filing No  
 Attorney JOHN P. WHITE  
 Agent ALAN J. MORRISON  
 Client\Division COLUMBIA UNIVERSITY  
 Current Owner COLUMBIA UNIVERSITY  
 Prev Own  
 Status Filed  
 First Filing Dt 180C1996  
 Sub Stat  
 Sub Stat Dt  
 Parent Country  
 Parent Filing Dt  
 Parent No  
 Parent Grant Dt  
 Total Claims  
 Ind. Claims

Application # 09/898416  
 Application Dt 03JL2001  
 Patent No  
 Grant Dt  
 Publication # 02-0076759-A1  
 Publication Dt 20JE2002  
 Assigned  
 Expiration Dt  
 Conv Type  
 Tax Base Dt  
 Next Tax Dt  
 Associate JEFFREY SHEIH  
 Oper Grp  
 Ag Ref No  
 Verified  
 Customer  
 Create Dt  
 Update Dt  
 Update Tm  
 Update User  
 Update Type

N  
 D4PP  
 11JL2001  
 08OC2004  
 1533  
 CJW  
 A

## \*\*Actions\*\*

Action	CHECK DECL./REFUND(if needed)	Comp Dt
Act Due Date	03SE2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	INFORMATION DISCLOSURE STATE	Comp Dt
Act Due Date	03OC2001	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	MISSING PARTS DUE	Comp Dt
Act Due Date	28NO2001	Resp Atty #1
Taken Dt	30OC2001	Resp Atty #2
DeadLn Dt		
Action	IDS-BASED ON SEARCH REPORT	Comp Dt
Act Due Date	13DE2001	Resp Atty #1
Taken Dt	30OC2001	Resp Atty #2
DeadLn Dt		
Action	8mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	03MR2002	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	10mo FOREIGN FILING REMINDE	Comp Dt
Act Due Date	03MY2002	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	11mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	03JE2002	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	12mo FOREIGN FILING DEADLINE	Comp Dt
Act Due Date	03JL2002	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	ESTIMATED PUBLICATION DT	Comp Dt
Act Due Date	03JA2003	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	RESTRICTION REQUIRED	Comp Dt
Act Due Date	01AU2003	Resp Atty #1
Taken Dt	01AU2003	Resp Atty #2
DeadLn Dt		
Action	PETITION TO REVIVE DUE	Comp Dt
Act Due Date	06DE2004	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		

Action	FILING RECEIPT RECEIVED	Comp Dt
Act Due Date		Resp Atty #1
Taken Dt	02OC2001	Resp Atty #2
DeadLn Dt		

Action	NOTICE OF ABANDONMENT	Comp Dt
Act Due Date		Resp Atty #1
Taken Dt	06OC2004	Resp Atty #2
DeadLn Dt		

Act Notes  
PROC'D 10-8-04

Action	CORRECTED FILING RECEIPT	Comp Dt
Act Due Date		Resp Atty #1
Taken Dt	11MR2002	Resp Atty #2
DeadLn Dt		

\*\*Ext Files\*\*

Type	Desc	(CIE-553-A)
Location		

\*\*Inventors\*\*

Inv Name	DULAC, Catherine et al.	Assigned
Inv Name	AXEL, Richard	Assigned

\*\*Related Id\*\*

System	Patent	RL Type	
Docket No	48557	Filing Type	
Ctry	USA	Filing No	
CS Type		Remarks	From 48557 USA
System	Patent	RL Type	
Docket No	48557-A	Filing Type	
Ctry	USA	Filing No	
CS Type		Remarks	From 48557 USA

\*\*Title\*\*

Title  
CLONING OF VERTEBRATE PHEROMONE RECEPTORS & USES THEREOF